

Serial No.

18/535108

Date :

7/25/06

Request :

☐

Petition To Revive Unintentionally Abn. Appl.

☐

Petition under Rule 1.47

☒

Other :

petition to withdraw 37CFR 1.8(b)

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Requestor :

**Patricia Booker**

Supervisor :

**Donna Greene**

Response :

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By :

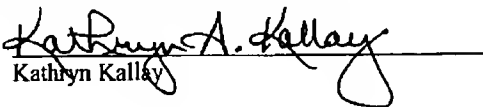
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Date :

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**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571)-270-9871 this 24<sup>th</sup> day of July 2006.

  
Kathryn Kallay

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Hans-Kervin Bruins et al.  
Title: Arthropod Repellent Comprising Extracts and/or Parts of the Plant  
Vitex-Agnus-Castus  
Serial No.: 10/535108  
Filed: May 16, 2005  
Examiner: N/A  
Art Unit: N/A  
Docket No.: GIL-16108

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37CFR1.8(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

(Attention: Ms. Patricia A. Booker)

Dear Sir:

Pursuant to 37 C.F.R. § 1.8(b), applicants hereby petition for the Office to withdraw the holding of abandonment mailed July 13, 2006. The reasons that support the granting of this petition are set forth below.

**STATEMENT IN SUPPORT OF PETITION**

A Notification of Missing Requirements was mailed September 20, 2005 and it set a two-month period in which to respond. Applicants prepared a response to the Notification and mailed same to the Office on October 3, 2005. A copy of the response in question is attached hereto as Exhibit A.

Reply to Notification of Abandonment – mailed July 13, 2006  
Serial No. 10/535108  
Date: July 24, 2006

The response was mailed within the period for response established by the Notification mailed September 30, 2005. The response included a certificate of mailing that complied in all respects with the requirements of 37 C.F.R. § 1.8(a).

The response was filed with a postcard receipt, a copy of the front and back of the returned postcard receipt is attached hereto as Exhibit B. It is our firm's practice to include postcard receipts with all correspondence mailed to the Office. Postage is applied to a postcard receipt at the time postage is applied to the envelope in which the paper and its postcard receipt are placed. As can be seen from Exhibit B, postage was applied to the postcard receipt on October 3, 2005.

It is the practice of our firm to place a copy of the postcard receipt in the application file at the time the postcard receipt and its associated paper are mailed to the Office. The copy of the postcard receipt retained in the file serves as a mailing log to establish what was mailed to the Office, as well as the date of mailing.

A review of Exhibit B indicates that the response was received by the Office on October 5, 2005. This date of receipt is consistent with a date of mailing of October 3, 2005, and such date of receipt is well ahead of the deadline to reply to the Notification. Accordingly, the response (Exhibit A) should be considered as timely filed because it (a) was mailed prior to the expiration of the period set for response, and (b) included a certificate of mailing that complied with the requirements of 37 C.F.R. 1.8(a).

#### CONCLUSION

Applicants timely filed a response to the Notification mailed September 30, 2005 and did so in compliance with the requirements of 37 C.F.R. § 1.8(a). The enclosed Exhibits A and B confirm that a timely response was made and that the requirements of 37 C.F.R. § 1.8(a) were met. The Office should withdraw the holding of abandonment and a notice to such effect is respectfully requested.

Reply to Notification of Abandonment – mailed July 13, 2006  
Serial No. 10/535108  
Date: July 24, 2006

If any additional information is required, please do not hesitate to contact undersigned counsel.

Respectfully submitted,

**Rankin Hill, Porter & Clark LLP**



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Kenneth A. Clark  
Reg. No. 32,119

925 Euclid Avenue, Suite 700  
Cleveland, Ohio 44115-1405  
Telephone: (216) 566-9700  
Facsimile: (216) 566-9711

I hereby certify that this correspondence was sent via First Class U.S. Mail to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

30 October 2005  
Date of Deposit

Kathryn A. Kellay  
Signature of Person Mailing Paper

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Hans-Kervin Bruins et al.	:	
	:	Confirmation No.: 3576
Serial No.: 10/533108	:	
	:	Group Art Unit:
Filing Date: 16 May 2005	:	
	:	Attorney Docket: GIL-16108
For: ARTHROPOD REPELLENT COMPRISING	:	
EXTRACTS AND/OR PARTS OF THE PLANT	:	
VITEX AGNUS-CASTUS	:	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE U.S. DESIGNATED/ELECTED OFFICE**

Sir:

Responsive to the Notice Of Missing Requirements mailed September 30, 2005 in the application noted above, enclosed please find the following:

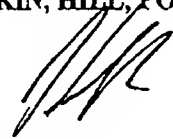
1. Declaration And Power Of Attorney For Utility Or Design Application Using An Application Data Sheet; and
2. Return copy of the Notification Of Missing Requirements.

-- EXHIBIT A --

This Response is being filed within the two-month response period set from the date of mailing of the Notification Of Missing Requirements.

Respectfully submitted,

**RANKIN, HILL, PORTER & CLARK LLP**



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Kenneth A. Clark  
Reg. No. 32,119

925 Euclid Avenue  
Suite 700  
Cleveland, Ohio 44115-1405  
(216) 566-9700

**DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN  
APPLICATION USING AN APPLICATION DATA SHEET**

<b>Title of Invention</b>	<b>Arthropod Repellent Comprising Extracts And/Or Parts Of The Plant...</b>
As the below named Inventor(s), I/we declare that:	
This declaration is directed to:	
<input type="checkbox"/> The attached application, or	
<input checked="" type="checkbox"/> Application No. <u>10/535108</u> , filed on <u>16 May 2005</u>	
<input type="checkbox"/> as amended on _____ (if applicable);	
I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;	
I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;	
I/we hereby appoint the practitioners at Customer Number 7609 as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the USPTO connected therewith.	
I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.	
All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.	
<b>FULL NAME OF INVENTOR(S)</b>	
Inventor one:	<u>Hans-Kervin Bruins</u> Date: <u>14.7.05</u>
Signature:	<u><i>Hans-Kervin Bruins</i></u> Citizen of: <u>Netherlands</u>
Inventor two:	<u>Heinz Mehlhorn</u> Date: <u>20.6.05</u>
Signature:	<u><i>Heinz Mehlhorn</i></u> Citizen of: <u>Germany</u>
Inventor three:	<u>Günther Schmahl</u> Date: <u>20.6.05</u>
Signature:	<u><i>Günther Schmahl</i></u> Citizen of: <u>Germany</u>
Inventor four:	<u>Jürgen Schmidt</u> Date: <u>20.6.05</u>
Signature:	<u><i>Jürgen Schmidt</i></u> Citizen of: <u>Germany</u>
<input type="checkbox"/> Additional inventors are being named on _____ additional form(s) attached hereto.	

BEST AVAILABLE COPY



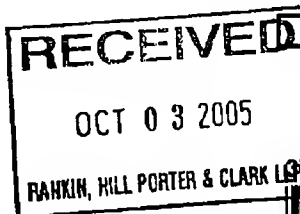
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1459  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/535,108	FIRST NAMED APPLICANT Hans-Kervin Bruins	ATTY. DOCKET NO. GIL-16108
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INTERNATIONAL APPLICATION NO. PCT/EP03/07097
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7609  
RANKIN, HILL, PORTER & CLARK, LLP  
925 EUCLID AVENUE, SUITE 700  
CLEVELAND, OH 44115-1405



I.A. FILING DATE 07/03/2003	PRIORITY DATE 11/19/2002
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CONFIRMATION NO. 3576

371 FORMALITIES LETTER



\*OC000000017045543\*

Date Mailed: 09/30/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/16/2005
- Copy of the International Search Report filed on 05/16/2005
- Preliminary Amendments filed on 05/16/2005
- Small Entity Statement filed on 05/16/2005
- Request for Immediate Examination filed on 05/16/2005
- U.S. Basic National Fees filed on 05/16/2005
- Priority Documents filed on 05/16/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

**DOCKETED**10.3.05

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PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/535,108	PCT/EP03/07097	GIL-16108

FORM PCT/DO/EO/905 (371 Formalities Notice)

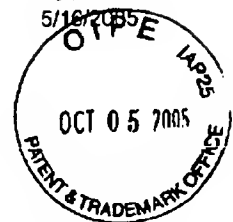
BEST AVAILABLE COPY

**PTO Acknowledgment Postcard**

Application Type	Filed Application	Date
Practitioner Docket No.	GIL-16108	Customer No.
Application No.	10/535108	Date Filed
Patent No.		Date Issued

10/3/2005  
7609

5/18/2005



Examiner	Group No.
Mail Service	Express Mail Label No.

Inventor(s) Hans-Kervin Bruins et al.

Invention Title Arthropod Repellent Comprising Extracts And/Or Parts Of The Plant Vitex  
Agnus-Castus

<u>Documents Submitted</u>	<u>pages</u>	<u>pages</u>
Resp To Notification Of Missing Reqrments	2	Declaration And Power Of Attorney

Payment Type	Number	Fee
Charge Account 18-0160		for any fee deficiency required by the filing of
the papers submitted herewith		

Contact Person Kenneth A. Clark Contact No. (216) 566-9700



**RANKIN, HILL, PORTER & CLARK LLP**  
**925 EUCLID AVENUE**  
**700 HUNTINGTON BUILDING**  
**CLEVELAND, OHIO 44115**



- EXHIBIT B -

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/535,108	Hans-Kervin Bruins	GIL-16108

INTERNATIONAL APPLICATION NO.
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PCT/EP03/07097

I.A. FILING DATE	PRIORITY DATE
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07/03/2003

11/19/2002

7609  
 RANKIN, HILL, PORTER & CLARK, LLP  
 925 EUCLID AVENUE, SUITE 700  
 CLEVELAND, OH 44115-1405

CONFIRMATION NO. 3576

371  
 ABANDONMENT/TERMINATION  
 LETTER



\*OC000000019582718\*

Date Mailed: 07/13/2006

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Failure to respond to Missing Requirement Letter sent 9/30/2005

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

PATRICIA A BOOKER

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 Telephone: (703) 308-9140 EXT 204

PART 3 - OFFICE COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)